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UNCLAS BOGOTA 013000

SIPDIS

SENSITIVE

CA/OCS/CI FOR MICHELLE BERNIER-TOTH AND ALESSANDRO NARDI

E.O. 12958: N/A

TAGS: CASC KOCI CO

SUBJECT: HAGUE COMPLIANCE REPORT PREPARATION - COLOMBIA

TAKES POSITIVE STEPS

REF: A) STATE 25492, B) BOGOTA 10415, C) STATE 168732, D)
BOGOTA 8457

¶1. (U) Although Post concurs with the Department's assessment of Colombia as "non-compliant" with the Hague Abduction Convention, Post notes legislation to implement the Convention is moving through the Colombian Congress. There are also positive developments in judicial training and cooperation.

¶2. (U) Implementing legislation: On December 14, the Colombian House of Representatives passed legislation that clarifies jurisdiction by directing Hague cases to the Family Court. Working with Colombian legislators and the Ministry of Foreign Affairs, Emboffs successfully lobbied for CA's suggested modifications to the bill prior to its adoption by the House. The bill will now move to the Senate, where our initial discussions with leading members have been positive. We can reasonably expect the bill to become law during the Spring 2005 legislative session.

¶3. (U) Judicial Training: A Family Court judge attended a recent Latin American Judicial Seminar in Monterrey sponsored by the Hague Conference on Private International Law. The intent of the Conference was to promote more effective implementation of, and compliance with, the Hague Abduction Convention.

¶4. (U) Cooperation: The Ministry of Foreign Affairs (which, with post encouragement, goaded the Ministry of Social Protection and Supreme Council of the Judiciary into drafting the necessary legislation) has agreed to take an active role in inter-agency cooperation and follow-up, e.g., directing cases to trained judges.

¶5. (SBU) The Family Welfare division of the Ministry of Social Protection still presents a potential challenge. For example, Family Welfare declined to attend the Monterrey training, despite the offer of U.S. financial assistance. If the legislation described in para 2 above passes into law, an abducting family member could file a "tutela" (a species of appeal) that would result in the equivalent of an injunction while the Constitutional Court considers the new law.

¶6. (U) Progress on Outstanding Cases: While post is unable to report progress on the cases cited in reftel A, consular officers successfully conducted a long-delayed welfare and whereabouts visit to Christine and Amir Andre Sheikh-Attar on December 7. Details to follow by Septel. Additionally, a consular officer conducted a welfare visit on August 24 to Sophia Fonte, who had been taken to Bolivia by her mother while divorce proceedings were ongoing (Reftels C and D). The Fonte family has since reconciled, and the mother and child have returned to the United States.

¶7. (U) Comment: Although the legal processes have been slowed by the implementing legislation, for the most part Colombian officials are determined to implement the Convention fully. Post is confident that after final passage of the legislation, the GOC will implement the provisions of the Convention.

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